

1657

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tony W. Ho, Gene C. Kopen, William F. Righter, J. Lynn Rutkowski and Joseph Wagner

Application No.: 09/960,244

Group Art Unit: 1651

Filed: September 21, 2001

Examiner: Lankford, Jr., Leon B.

Confirmation No.: 4326

Title: "Cell Populations Which Co-Express CD49c and CD90"

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
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NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☐ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
  - ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
  - ☐ a Statement under 37 CFR 1.97(e), as checked below, and
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

- ☒ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references (AT6-AL7) are enclosed.
- ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [     ], by [inventor(s)], filed [     ], Docket No.: [     ]

\_\_\_\_\_ U.S. Patent Application No. [     ], by [inventor(s)], filed [     ], Docket No.: [     ]

\_\_\_\_\_ U.S. Patent Application No. [     ], by [inventor(s)], filed [     ], Docket No.: [     ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [     ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

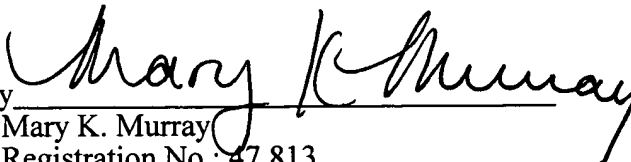
☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[     ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Mary K. Murray  
Registration No.: 47,813  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

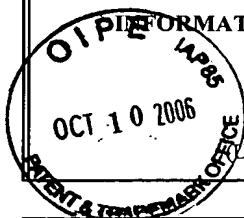
Dated: *October 4, 2006*

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.  
2831.2003-000APPLICATION NO.  
09/960,244FIRST NAMED INVENTOR  
Tony W. HoFILING DATE  
September 21, 2001EXAMINER  
Lankford, Jr., Leon B.CONFIRMATION NO.  
4326GROUP  
1651INFORMATION DISCLOSURE STATEMENT  
IN AN APPLICATION

October 4, 2006

(Use several sheets if necessary)



## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AG3	US 2006/0030041 A1	02-09-2006	Furcht <i>et al.</i>
	AH3	US 2006/0008450 A1	01-12-2006	Verfaillie <i>et al.</i>
	AI3	US 2005/0283844 A1	12-22-2005	Furcht <i>et al.</i>
	AJ3	US 2005/0181502 A1	08-18-2005	Furcht <i>et al.</i>
	AK3	US 2004/0208861 A1	10-21-2004	Prockop <i>et al.</i>
	AA4	US 2004/0166097 A1	08-26-2004	Prockop <i>et al.</i>
	AB4	US 2004/0107453 A1	06-03-2004	Furcht <i>et al.</i>
	AC4	US 2004/0091464 A1	05-13-2004	Prockop <i>et al.</i>
	AD4	US 2004/0033214 A1	02-19-2004	Young <i>et al.</i>
	AE4	US 2003/0203484 A1	10-30-2003	Black <i>et al.</i>
	AF4	US 2003/0202966 A1	10-30-2003	Prockop <i>et al.</i>
	AG4	US 2003/0059941 A1	03-27-2003	Prockop <i>et al.</i>
	AH4	US 2003/0059412 A1	03-27-2003	Prockop <i>et al.</i>
	AI4	US 2003/0039639 A1	02-27-2003	Prockop <i>et al.</i>
	AJ4	US 2003/0003090 A1	01-02-2003	Prockop <i>et al.</i>
	AK4	US 2002/0058025 A1	05-16-2002	Prockop <i>et al.</i>
	AA5	7,056,738 B2	06-06-2006	Prockop <i>et al.</i>
	AB5	6,974,571 B2	12-13-2005	Prockop <i>et al.</i>
	AC5	6,653,134 B2	11-25-2003	Prockop <i>et al.</i>
	AD5	7,015,037 B1	03-21-2006	Furcht, <i>et al.</i>
	AE5	US 2004/0058412	03-25-2004	Ho, <i>et al.</i>

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  <b>October 4, 2006</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2831.2003-000		APPLICATION NO. 09/960,244	
	FIRST NAMED INVENTOR Tony W. Ho		FILING DATE September 21, 2001	
	EXAMINER Lankford, Jr., Leon B.		CONFIRMATION NO. 4326	GROUP 1651

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AT6	Müller-Ehmsen, Jochen <i>et al.</i> , “Rebuilding a Damaged Heart: Long-Term Survival of Transplanted Neonatal Rat Cardiomyocytes after Myocardial Infarction and Effect on Cardiac Function,” <i>Circulation</i> , pp. 1720-1726, (2002).
	AU6	Lodie, T.A., <i>et al.</i> , “Systematic Analysis of Reportedly Distinct Populations of Multipotent Bone Marrow-derived Stem Cells Reveals a Lack of Distinction,” <i>Tissue Engineering</i> , Larchmont, NY, 8(5):739-751 (2002).
	AV6	Pittenger, M.F. <i>et al.</i> , Multilineage Potential of Adult Human Mesenchymal Stem Cells, Supplementary Material, <a href="http://www.sciencemag.org/feature/data/983855.dtl">http://www.sciencemag.org/feature/data/983855.dtl</a> (April 2, 1999)
	AW6	Clayton <i>et al.</i> , “Cells Isolated from the Human Cortical Interstitium Resemble Myofibroblasts and Bind Neutrophils in an ICAM-1-Dependent Manner,” <i>J. Am. Soc. Nephrol.</i> , 8(4):604-615 (1997).
	AX6	Koller, <i>et al.</i> , “Beneficial Effects of Reduced Oxygen Tension and Perfusion in Long-Term Hematopoietic Cultures,” <i>Annals New York Academy of Sciences</i> , 665:105-116 (1992).
	AY6	Rithidech, <i>et al.</i> , “Telomerase Activity in Mouse Myeloid Leukemic Cells and in Cells from Normal Hematopoietic Systems,” <i>Blood Cells, Molecules, Diseases</i> , 27(2):496-504 (2001).
	AZ6	Silva, <i>et al.</i> , “The Profile of Gene Expression of Human Marrow Mesenchymal Stem Cells,” <i>Stem Cells</i> , 21:661-669 (2003).
	AR7	Santalucia, <i>et al.</i> , “Hypertrophic agonists induce the binding of c-Fos to an AP-1 site in cardiac myocytes: implications for the expression of GLUT1,” <i>Cardiovascular Research</i> , 59:639-648 (2003)

EXAMINER	DATE CONSIDERED
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